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REMARKS/ARGUMENTS

Drawings

In his examination report, the Examiner objects to the drawings since they contain reference characters not recited in the specification. More particularly, the Examiner notes the presence of reference characters 240, 340 and 440 in Fig. 1 which are not recited in the specification.

The Applicant has duly taken note of the objections of the Examiner and accordingly respectfully submits an amended paragraph of the specification which now recites reference characters 240, 340 and 440 of Fig. 1.

All the reference characters shown in the drawings are now recited in the specification.

No new matter has been added.

Claims

Claims 1-28 are pending in the application.
Claims 1-27 are currently cancelled.
Claim 28 remains in the application.
Claim 28 is currently amended.
Claims 29-38 are new.

Claim Rejections – 35 U.S.C. § 112

Claim 1 is rejected under 35 U.S.C § 112, first paragraph, for failing to comply with the written description requirement. More particularly, claim 1 recites a "media encoding/transcoding means" which is, according to the Examiner, not described in the specification.

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Claim 1 is currently cancelled.

Claim Objections

In his examination report, the Examiner objects to claim 3 which includes a reference to a "second inputting means" even though the claim from which claim 3 depends does not include a "first inputting means".

Claim 3 is currently cancelled.

Claim Rejections – 35 U.S.C. § 102

Claim 28 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,566,353, granted to Nack Y. Cho and Jerry E. Magilton Jr. (hereinafter "Cho").

The Applicant is respectfully submitting a currently amended claim 28 which has been substantially modified. Claim 28 now recites that the method comprises the steps of:

- on said scheduling server, determining and storing data related to the availability of said air time periods of said playlists;
- on said scheduling server, inputting and storing data related to the multimedia content preferences of each user of a visual display system;
- on said scheduling server, inputting and storing data related to the air time period preferences of each user in said playlist schedule of a visual display system;
- creating said playlists by optimally correlating said available air time periods, said air time period preferences and said multimedia content preferences.

These added steps are not shown nor hinted by Cho since nowhere in the patent of Cho does it say that the playlists are generated by optimally correlating the available air time periods and the preferences of the users with respect to the content and the air time periods. This particular limitation is respectfully believed to patentably distinguish current amended claim 28 from Cho.

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No new matter was added.

Claim Rejections – 35 U.S.C. § 103

Claims 1-23, 25 and 26

Claim 1-23, 25 and 26 are rejected under 35 U.S.C. § 103(a) as being obvious over Cho in view of U.S. Patent No. 6,738,978, granted to John S. Hendricks and Alfred E. Bonner (hereinafter "Hendricks").

The Applicant respectfully cancels claims 1-23, 25 and 26 without prejudice. However, the Applicant is presenting an argumentation with respect to the rejection of claim 3 in the "*New Claims*" section below.

Claims 24 and 27

Claim 24 and 27 are rejected under 35 U.S.C. § 103(a) as being obvious over Cho in view of Hendricks and in further view of U.S. Patent No. 6,968,364, granted to Curtis Wong and Steven Drucker (hereinafter "Wong").

The Applicant respectfully cancels claims 24 and 27 without prejudice.

News claims

Due to the substantial amendments made to the claims, the Applicant has cancelled all the originally filed claims except claim 28 which has been amended. Consequently, the Applicant is respectfully submitting new claims 29 to 38.

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Claim 29 replaces former claim 1 as the independent claim reciting the elements of the system to control the display of multimedia content. Yet, new claim 29 has been substantially redrafted with respect to former claim 1. Moreover, new claim 29 includes some of the limitations formerly recited in dependent claims. For instance, new claim 29 now includes the limitations of former claim 3 (and also of former claims 5 and 7 which were reciting similar limitations). Though former claims 1 and 3 were rejected as being obvious in view of Cho and Hendricks, the Applicant respectfully believes that new claim 29 is fully patentable over the prior art as will be shown below.

First, in his examination report, the Examiner stated, at page 10, that the limitations recited in former claim 3 were taught by Cho.

Concerning the "means for inputting and storing data related to the multimedia content preferences of each user", the Examiner stated that this element was taught by Cho at column 11, line 34-40 by referring to the clip frequency. Unfortunately, the Applicant must disagree.

First, a clip frequency rate and a "multimedia content preference" are two different concept. For example, a user may prefer short clips over long clips or clips without sound over clips with sounds. Moreover, the multimedia content preferences are related to the content of the clips and not their parameters (i.e. frequency rate). Accordingly, the Applicant respectfully believes that Cho does not teach "means for inputting and storing data related to the multimedia content preferences of each user".

Second and as it will be shown below, the actual "clip frequency", which is not a multimedia content preference, is not decided by the user but by the scheduling server and its accompanying processing means.

Concerning the "means for inputting data related to the air time period preferences of each user", the Examiner stated that this element was disclosed by Cho at column 11, lines 36-37, by referring to the clip valid run time. First, the Applicant does not contest that the presence of

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information implies that it has been somehow inputted via some input means. Yet, the difference between the present patent application and Cho is not the input means *per se* but the type of information actually inputted. According to the understanding of the Applicant, the run time of a clip is not the time or times of the day during which the clip can play, it is the actual duration of the clip. As a matter of fact, if Cho had the intention of construing the term "run time" as the time or times of the day during which the clip can play, he would not have referred to the "run time" of a clip using the singular as he did at column 11, lines 39 and 40 which recites: "video clip table which includes the clip number, the clip title, the clip type, **the clip run time** and the clip frequency rate". According to column 11, lines 39 and 40, if a clip has a single run time, it is most probable that this means the duration of the clip since a clip has, by definition, a duration. Thus, it cannot be said that Cho teaches the inputting of air time period preferences in his system.

Moreover, assuming *arguendo* that the interpretation of the expression "run time" by the Examiner was correct, there still remain a clear distinction between valid run times and air time period or run time period **preferences**. First, a preference may not be valid according to certain rules and second, a preference may not be chosen. Thus, the information provided to the system in the present patent application is not the same as in Cho. In fact, it is fundamentally distinct.

Finally, concerning the "means for processing data to determine for each visual display system, the actual playlist schedule by optimally correlating said available air time periods, said air time period preferences, and said multimedia content preferences", the Applicant must absolutely disagree with the arguments of the Examiner.

First, the Examiner stated that those means were taught by Cho at column 9, lines 46-64, at column 11, lines 34-40 and at column 12, lines 49-57. Concerning the passage of column 9, lines 46-64, the Examiner stated that it teaches the generation of playlists by the network manager system. Concerning the passage of column 11, lines 34-40, the Examiner stated that it discloses multimedia content preferences of users. Concerning the passage of column 12, lines 49-57, the Examiner stated that it disclosed air time periods. According to the Examiner, if we read these above listed passages, it would lead a person skilled in the art to the teaching that the playlist

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which are generated have to correlate the data of available air time, content preferences and multimedia preferences.

The question is how?

The passage of column 9 recites that "[T]he network management system allows the user to create programs by scheduling and sequencing the clips comprised of digital videos [...]". In this passage, there are no clue on how the scheduling and sequencing is done and it is not even clear if the program is created by the user himself or by the network management system. Even so, there are absolutely no hint toward a system which optimally correlates diverse information on the preferences of the users in order to create playlists.

Concerning the passage of column 11, it contains no users preferences whatsoever as discussed above. Finally, concerning the passage of column 12, even though it indeed teaches air time period, that does not mean that the playlists are generated by optimally correlating available air times periods with multiple users preferences.

It is thus respectfully believed that former claim 3 was not obvious in view of Cho and that therefore, the incorporation of its limitation in new independent claim 29 renders new claim 29 fully patentable over the prior art and more particularly over Cho.

New claim 30 has no corresponding former claim. New claim 30 recites that the display controller can request the transmission of a particular multimedia content from the scheduling server if the particular multimedia content is not locally stored on the display controller storage. This claim is fully supported by the specification at page 9, lines 15-21.

New claim 31 recites limitations similar the limitations of former claim 2.

New claim 32 recites limitations similar the limitations of former claim 4.

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New claim 33 is new. New claim 33 recites that if a playlist still contains unreserved time periods, the unreserved time periods may be removed. This claim is supported by "Method A" recited at page 5, lines 10-14.

New claim 34 recites limitations similar the limitations of former claim 8.

New claim 35 is new though its recites limitations similar to the limitations of new claim 33.

New claim 36 recites limitations similar the limitations of former claim 17.

New claim 37 is new though supported by the specification at page 7, line 30.

New claim 38 is new though supported by the specification at page 7.

According to the foregoing arguments, the Applicant respectfully believes that the newly added claims are fully patentable over the prior art.

Conclusion

Considering the above arguments, the Applicant respectfully requests that a timely Notice of Allowance be issued in this case for all pending claims. However, should it be found necessary or practical, the Examiner is invited to telephone the undersigned, Applicant's agent of record, to facilitate the advancement of the present application.

Respectfully submitted,
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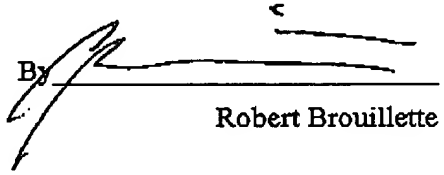

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